

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

GREYSTONE CONSULTING GROUP, LLC)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
BEN NUSSBAUM,)	
)	
Defendant.)	

DEFENDANT’S NOTICE OF REMOVAL

Defendant Ben Nussbaum submits this notice of removal of Case No. CL 2023-13353, from the Circuit Court of Fairfax County, Virginia, pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

PARTIES

1. Plaintiff Greystone Consulting Group, LLC (“Greystone”) is a Virginia Limited Liability Corporation with its principal office in Washington, D.C.
2. Sheila Duffy is the sole owner and member of Greystone and is a resident and citizen of Washington, D.C.
3. Defendant Ben Nussbaum is a natural person who is a resident and citizen of Ohio.

BACKGROUND

4. On September 18, 2023, Greystone filed a Complaint against Mr. Nussbaum in the Circuit Court of Fairfax County, Virginia (the “State Action”). A copy of this Complaint is attached herein as Exhibit 1. The case was assigned Case No. CL 2023-13353.

5. On November 28, 2023, counsel for Defendant agreed to waive service of process and accept service via email between counsel. Plaintiff's counsel indicated that it would not object to this case being removed to Federal Court.

GROUND FOR REMOVAL

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1), and thus this case is subject to removal under 28 U.S.C. § 1441(b).

7. In the Complaint, Greystone reports having its principal office in Washington, D.C. *See* Ex. 1 ¶ 2.

8. Upon information from counsel for Greystone, Ms. Duffy is the sole member of Greystone and a resident and citizen of Washington, D.C.

9. Because the sole defendant is a citizen of Ohio, and because no member of plaintiff Greystone is a citizen of Ohio, complete diversity between the parties exists. *See* §1332(a)(1).

10. Greystone's Complaint requested, *inter alia*, damages in the total amount of \$250,000 for counts I and II for breach of contract. *See* Ex. 1 at 7.

11. The amount in controversy thus exceeds the sum of \$75,000, exclusive of costs. *See* §1332(a).

12. Because less than 30 days have passed since service of the Complaint on November 28, 2023, removal is not barred by §1446(b)(1).

13. Venue is proper in this Court, pursuant to 28 U.S.C. § 1441(a) because the State Action is pending in the Circuit Court of Fairfax County, Virginia, which is embraced within the district and division of this court. *See* E.D. Va. Civ. R. 3(B)(1).

14. Promptly after filing this Notice of Removal, Mr. Nussbaum will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court where the State Action is pending,

in accordance with 28 U.S.C. § 1446(d). A copy of that filing (without exhibits) is attached hereto as Exhibit 2.

Dated: December 18, 2023

Respectfully submitted,

/s/ Noah P. Sullivan

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Counsel for Defendant Ben Nussbaum

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2023, I caused a true and correct copy of the foregoing to be filed using the CM/ECF system, which will send notification of such filing to all registered attorneys. I further certify that, on this same date, I caused a true and correct copy of the foregoing to be served via email and FedEx overnight delivery, to the following:

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/s/ Noah P. Sullivan
Noah P. Sullivan